

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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**IN RE: AMARANTH NATURAL GAS**

**MASTER FILE**  
NO. 07 Civ. 6377 (SAS)

**COMMODITIES LITIGATION**

**ECF CASE**

**NOTICE OF MOTION**

ORAL ARGUMENT REQUESTED

This Document Relates To: ALL ACTIONS

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PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in support, Defendants James DeLucia and ALX Energy, Inc. (the ALX Defendants), by the undersigned, will move before the Honorable Shira A. Scheindlin, Judge of the United States District Court for the Southern District of New York, at the United States District Courthouse, located at 500 Pearl Street, New York, New York 10007, at a time and place to be scheduled by this Court, for an Order to dismiss the complaint, with prejudice, pursuant to Rule 8, Rule 9(b) and Rule 12 (b) (6) of the Federal Rules of Civil Procedure. The ALX Defendants state that pursuant to the Court's rules, it exchanged letters with plaintiffs prior to bringing this motion

Dated : April 28, 2008

Respectfully submitted,

/s/ Steven R. Goldberg

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To: See attached distribution list

**CERTIFICATE OF SERVICE**

I, Steven R. Goldberg, an attorney admitted to practice in the Southern District of New York, hereby certify that on April 28, 2008, I caused a true copy of the foregoing Notice of Motion to Dismiss and the accompanying Memorandum of Law to be served on the individuals listed on the attached service list by the court's ECF system.

Dated: New York, New York  
April 28, 2008

/s/Steven R. Goldberg

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